



DEPARTMENT OF LABOR  
BUREAU OF LABOR STANDARDS  
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04333-0045

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WAGE & HOUR DIVISION

MICHAEL ROLAND  
DIRECTOR

November 19, 2021

Bethel Inn & Country Club  
Attn: Allan Connors  
21 Broad ST  
Bethel, ME 04217

RE: Violations of 26 MRS, Inspection #460642  
Certified mail: 7015 1520 0001 0962 8720

Dear Mr. Connors:

When our Inspector, Elaine Brackett, contacted your place of business on October 7, 2021 the following violations of Maine Labor Law were found:

**§598-A. Prospective employee's social security number** Except as required by federal law, beginning January 1, 2020, an employer may not request a social security number from a prospective employee on an employment application or during the application process for employment except for the purposes of substance use testing under subchapter 3-A or a preemployment background check. This section does not apply to an employer's request for a social security number after the employee has been hired.

*In this case, the employer's application for employment requests the applicant's Social Security Number. Failure to immediately remove this inquiry from the application will result in penalties being assessed.*

**26 MRS §621-A Timely and Full Payment of Wages** requires that employees be paid in full, on an established day or date, at regular intervals made known to the employee. The intervals may not exceed 16 days and must include all wages earned to within 8 days of the payment date.

*In this case, the employer failed to pay [REDACTED], in full, on six (6) separate pay dates between 09/01/2018 and 07/06/2019.*

*The employer was cited for previous violations of this statute on 09/27/2019 and 11/12/2019 and was advised, at that time, continued noncompliance would result in penalties being assessed.*

**26 MRS §626-A PENALTIES** Whoever violates any of the provisions of sections 621-A to 623 or section 626, 628, 628-A, 629 or 629-B is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation. Each employee is counted as a separate violation, each pay cycle.

- 6 violations of §621-A

**§628-A. Compensation history inquiry prohibited** An employer may not use or inquire about the compensation history of a prospective employee from the prospective employee or a current or former employer of the prospective employee unless an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee, after which the employer may inquire about or confirm the prospective employee's compensation history.

*In this case, the employer's application for employment requests the applicant's compensation history. Failure to immediately remove this inquiry from the application will result in penalties being assessed.*

**26 MRS §664 (2) Tips - Property of Employee** The tips received by a service employee become the property of the employee and may not be shared with the employer. Tips that are automatically included in the customer's bill or that are charged to a credit card must be treated like tips given to the service employee. A tip that is charged to a credit card must be paid by the employer to the employee by the next regular payday and may not be held while the employer is awaiting reimbursement from a credit card company.

*In this case, the employer failed to pay tips in the amount of \$96.00 to [REDACTED] between 06/13/2021 and 06/19/2021 in accordance with this statute. The employer paid the tips on 10/15/2021.*

**26 MRS §664 (3) Overtime Rate** requires that employees be paid time-and-one-half their regular hourly rate for all hours worked in excess of 40 hours per week.

*In this case, the employer failed to calculate the correct overtime rate on six (6) separate occasions between 09/01/2018 and 07/06/2019. The employer was cited for previous violations of this statute on 09/27/2019 and 11/12/2019 and was advised, at that time, continued noncompliance would result in penalties being assessed.*

**26 MRS §671. Penalties** Any employer who violates this subchapter shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$200. In the event of the violation of any of the provisions of this subchapter, the Attorney General may institute injunction proceedings in the Superior Court to enjoin further violation thereof.

- 1 violation of §664(2)
- 6 violations of §664(3)

**26 MRS §53. Additional penalties** In addition to any penalties provided in chapter 7, subchapters I to IV, the director may assess a forfeiture against any employer, officer, agent or other person who violates any provision of chapter 7, subchapters I to IV for each violation of those subchapters. The forfeiture may not exceed \$1,000 or the amount provided in law or rule as a penalty for the specific violation, whichever is less. The Attorney General, upon complaint of the director, shall institute a civil action to recover the forfeiture.

**The total penalty for the above violation(s) is \$1,400.00.**

**Make checks payable to the "Treasurer, State of Maine"**

The violations identified above will become a final order within fifteen (15) business days from the day it was received unless you request a penalty discussion or file an appeal (see employer options) within the specified time frame listed above.

**Employer options (within 15 business days):**

If you intend to correct all violations identified and wish to work with the Wage & Hour Division to possibly reduce the penalty amount, you may request a “Penalty Discussion”. This discussion will pertain only to the penalty(s) and not the violation(s). All proposed penalties will be stayed until after the penalty discussion.

Or

You may file a formal appeal of any violation or penalty within fifteen (15) days of receipt of this citation. Please be specific as to what violation(s) or penalty you wish to appeal. If a request for a formal appeal is received, the Director will set a time and date for a “hearing”. The Director will serve as the hearing officer or may assign the appeal to the Administrative Hearings Division within the Department of Labor. The hearing will be at the headquarters of the Bureau or at a place mutually agreeable to the parties. All proposed penalties will be stayed until after the formal appeal is heard.

As the employer, you must respond in writing to the Director of the Bureau, at the address above, within fifteen (15) business days of receipt of this report stating what option you intend to choose. If no response is received within that time frame you accept all citations and any penalties assessed. The citation will become a final order and payment will be due at that time, made payable to “**Treasurer, State of Maine**” and mailed to the address at the top of this citation.

We strongly recommend that any correspondence be sent by certified mail. Failure to correct violations may result in additional penalties for each violation that is not corrected.

If you have questions regarding this citation, you may contact the Bureau of Labor Standards, Wage & Hour Division at (207) 623-7900.

**Dates to remember:**

Respond in writing, to the Director of the Bureau within fifteen (15) business days of receipt of this citation indicating what option you choose.

Respectfully,



Scott Cotnoir, Director  
Wage and Hour Division  
Inspection # 460642